

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>RIGHTS AND REMEDIES FOR GAS AND<br>ELECTRIC CUSTOMERS | DOCKET NO. RMU-01-10 |
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**ORDER TERMINATING RULE MAKING PROCEEDING**

(Issued April 26, 2002)

On September 6, 2001, the Utilities Board (Board) issued an order commencing a rule making to receive public comment concerning proposed amendments to 199 IAC 19.4(10)"c," 19.4(10)"d," 19.4(15)"h"(3), 199 IAC 20.4(11)"c," 20.4(11)"d," and 20.4(15)"h"(3). The proceeding was identified as Docket No. RMU-01-10, In re: Rights and Remedies For Gas And Electric Customers. The proposed amendments in Chapters 19 and 20 were identical and were designed to implement clarifications of the "Rights and Remedies" notice for gas and electric customers. The "Notice of Intended Action" was published in the Iowa Administrative Bulletin (IAB) Vol. XXIV, No. 7 (10/3/01) p. 487, ARC 0991B. An "Amended Notice Of Intended Action" was published in IAB Vol. XXIV, No. 12 (12/12/01) p. 895 as ARC 1187B. Written comments were filed on or before October 23, 2001, an oral presentation was held on January 23, 2002, and additional comments were filed on February 21, 2002.

Pursuant to the authority of Iowa Code § 17A.4(1)"b," (2001), the Board will terminate the rule making. The Board's reasons for termination are stated in the attached notice.

**IT IS THEREFORE ORDERED:**

1. The rule making initiated in the "Notice of Intended Action" published in the IAB Vol. XXIV, No. 7 (10/3/01) p. 487, as ARC 0991B, is terminated.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of April, 2002.

## **UTILITIES DIVISION [199]**

### **Notice of Termination**

Pursuant to Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.2, and 476.20 (2001), the Utilities Board (Board) issued an order on September 6, 2001, in Docket No. RMU-01-10, In re: Rights and Remedies for Gas and Electric Customers, "Order Commencing Rule Making." The Board commenced the rule making to amend 199 IAC 19.4(10)"c" and "d," 19.4(15)"h"(3), 20.4(11)"c" and "d," and 20.4(15)"h"(3). The amendments were designed to address problems that occurred during the extreme conditions of the 2000-2001 winter heating season by clarifying the information in the "Rights and Remedies" notice to customers. The only substantive change was to include a provision in 199 IAC 19.4(10)"c" and 20.4(11)"c" that supported the language in the notice concerning the customer proposing a payment agreement.

The "Notice of Intended Action" for the proposed amendments was published in IAB Vol. XXIV, No. 7 (10/3/01) p. 487, ARC 0991B. An "Amended Notice Of Intended Action" was published in the IAB Vol. XXIV, No. 12 (12/12/01) p. 895 as ARC 1187B. The amended notice scheduled an oral presentation for January 23, 2002. By order issued January 28, 2002, the Board allowed parties to file additional comments presenting a timeline that would result from the proposed amendments and other matters.

Initial comments were filed by MidAmerican Energy Company (MidAmerican), Iowa Association of Electric Cooperatives, Iowa Association of Municipal Utilities, the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Alliant Energy, n/k/a Interstate Power and Light Company, Legal Services Corporation of Iowa (Legal Services), and Peoples Natural Gas Company, Division of UtiliCorp United Inc., n/k/a Aquila Inc., d/b/a Aquila Networks-PNG (Peoples). Additional comments were filed after the oral presentation by Consumer Advocate, MidAmerican Energy, Peoples, and Legal Services.

A significant number of the concerns and proposals presented in the comments dealt with issues beyond the scope of the proposed amendments. In addition, the comments related to the proposed amendments raised issues that will need additional evaluation or pointed out provisions of the "Rights and Remedies" notice that needed to be reviewed for additional revisions. After considering the comments and other issues raised, the Board finds that it will be more efficient and cost effective to address all of the issues related to "Rights and Remedies" in chapters 19 and 20 rather than to attempt to clarify and correct inconsistencies on a piecemeal basis.

The Board concluded that a complete revision of the "Rights and Remedies" notice and related rules in chapters 19 and 20 is likely to be required to remove inconsistencies, for clarity, and to address issues that have been raised since the extreme conditions in the winter of 2000-2001. To accomplish a complete revision of the "Rights and Remedies" notice, the Board will direct that its staff review these rules and contact all interested parties to exchange information about each party's

concerns and positions on the issues involved. After this collaborative effort, the Board may propose another rule making.

Since a later complete revision to the "Rights and Remedies" notice would require changes to the provisions in this proposed rule, utilities would be required to publish two new "Rights and Remedies" notices within a short period of time.

Termination of this rule making will allow utilities to focus on more substantive revisions and prevent the additional cost of making this additional change in their notices.

Pursuant to the authority of Iowa Code § 17A.4(1)"b," (2001), the Board will terminate the proposed rule making published in IAB Vol. XXIV, No. 7 (10/3/01) p. 487, as ARC 0991B.

April 26, 2002

/s/ Diane Munns  
Diane Munns  
Chairman